

**TOWN OF NEW CASTLE, COLORADO  
RESOLUTION NO. PZ 2017-4**

**A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING  
COMMISSION RECOMMENDING APPROVAL OF AN AMENDMENT TO  
TITLE 17 OF THE NEW CASTLE MUNICIPAL CODE TO ADD A NEW  
ZONE DISTRICT KNOWN AS THE MIXED-USE COMMERCIAL DISTRICT.**

WHEREAS, Title 17 (“Zoning Code”) of the Town of New Castle municipal code sets forth the provisions and regulations regarding zoning within the Town; and

WHEREAS, Chapter 17.92 authorizes the Town to amend, supplement, or repeal all or portions of the Zoning Code and establishes procedures for doing so; and

WHEREAS, Town staff has determined that, based on the Town’s Comprehensive Plan (“Comp Plan”) and anticipated annexations into the Town, it would be beneficial to add a new zone district to the Zoning Code; and

WHEREAS, Town staff submitted an application to add a new chapter to the Zoning Code—Chapter 17.69—that creates the Mixed-Use Commercial zone district and regulations applicable to the new district; and

WHEREAS, the full text of Chapter 17.69 is set forth in **Exhibit “A”** hereto; and

WHEREAS, pursuant to section 17.92.030(B) of the New Castle Municipal Code the Planning Commission held a public hearing on June 14, 2017, to consider the Town’s application to amend the Zoning Code; and

WHEREAS, based on the testimony presented by staff and the general public, the Planning Commission desires to recommend that the Town Council approve changes to the Zoning Code as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE NEW CASTLE PLANNING AND ZONING COMMISSION AS FOLLOWS:

1. Recitals Incorporated by Reference. The foregoing recitals are incorporated by reference herein as findings and determinations of the New Castle Planning Commission.
2. Recommendation. The Planning and Zoning Commission hereby recommends that the Town Council approve the creation of the Mixed-Use Commercial District and the changes to the Zoning Code set forth in Exhibit A.

THIS RESOLUTION PZ 2017-4 was adopted by the New Castle Planning and Zoning Commission by a vote of 7 to 0 on the 14th day of June, 2017.



NEW CASTLE PLANNING AND  
ZONING COMMISSION

By:   
Chuck Apostolik, Chairman

ATTEST:

  
Mindy Andis, Deputy Town Clerk

**EXHIBIT A**

New Zoning Text

## **17.69 – Mixed-Use Commercial District**

### **17.69.010 – Generally**

The mixed-use commercial (MU-C) zone district shall be governed in conformity with the following regulations.

### **17.69.020 – Purpose**

The Mixed-Use Commercial zone district provides for a diversity of commercial, service, and entertainment-related uses in mixed-use buildings allowing for residential units above commercial units. The Mixed-Use Commercial zone advances New Castle's Comprehensive Plan principles, policies, and goals geared toward a strong and sustainable local and visitor economy with a diversity of commercial opportunities. The Mixed-Use Commercial zone creates economic vitality by providing a mix of commercial uses with greater flexibility in architecture and design, enhancing New Castle's community character. The Mixed-Use Commercial zone district provides an opportunity to transition from more intensive, single-use districts such as residential or commercial zone districts.

### **17.69.030 – Permitted uses**

1. Business or professional office unless otherwise provided in this Chapter;
2. Retail sales, including:
  - a. Restaurants without drive-through facilities,
  - b. Outdoor dining facilities,
  - c. Furniture store,
  - d. Dry goods store,
  - e. General merchandise store,
  - f. Fabric store,
  - g. Apparel and accessories,
  - h. Appliance store,
  - i. Automotive parts and accessory sales,
  - j. Botanical plants and gardening materials,
  - k. Hardware store,
  - l. Building materials and supplies,
  - m. Newsstand,
  - n. Drug store,
  - o. Medical supply,
  - p. Small equipment sales and leasing (not to include sales and leasing of heavy equipment),
  - q. Electronic equipment,
  - r. Grocery store,
  - s. Sporting goods and non-motorized recreation sales,
  - t. Office equipment sales and leasing,
  - u. Pets and pet supplies,

- v. Wine and beer making supplies and equipment,
- w. Video sales and rentals,
- x. Bakery and doughnut shop,
- y. Coffee shop
- z. Temporary open-air market limited to one time per week for a maximum of 120 days per year.

3. Services, including:

- a. Banks and financial institutions with drive-through facilities,
- b. ATM machines,
- c. Travel agency,
- d. Upholstery shop,
- e. Appliance repair service,
- f. Barbershop and beauty salon,
- g. Photography studios,
- h. Tailor shop,
- i. Appliance, office equipment and small engine repair,
- j. Newspaper office,
- k. Mail or package delivery,
- l. Instructional studios,
- m. Printing,
- n. Blueprinting and copying,
- o. Real estate office,
- p. Private studio for the creation and sale of arts and crafts;
- q. Cabinet shop with or without fabrication,
- r. Glass shop

4. Recreation and entertainment uses, including:

- a. Arcade,
- b. Health clubs,
- c. Parks and open spaces,
- d. Playgrounds,
- e. Movie Theater,
- f. Performing arts studio

5. Residential units and associated accessory uses and home occupations above commercial, service, retail, or business or professional offices

6. Civic and governmental functions including:

- a. Police station,
- b. Fire station,
- c. Dispatch center
- d. Museum

### **17.69.040 – Conditional Uses**

1. Hotel, motel, resort, or lodge
2. Laundromat
3. Dry cleaning for individual service
4. Bus station and other public-transit related facilities
5. Temporary gravel extraction
6. Communication towers
7. Wine, beer, or spirit manufacturing facility, including breweries and distilleries
8. Restaurant with associated wine, beer, or spirit manufacturing facility, including breweries and distilleries
9. Any use not otherwise listed in this Chapter 17.69 and that is compatible with the purpose of the Mixed-Use Commercial zone district.

### **17.69.050 – Retail Establishments**

All retail sales and displays must be conducted entirely within a building, except the display and sale of botanical materials and seating facilities for outdoor dining facilities. Building materials and gardening supplies may be stored outside of a building but must be totally screened from view when observed from any point on the adjacent public right-of-way or any point on the natural grade of the adjoining properties by opaque fencing or walls. Use of tennis court screening or slats inserted in a chain-link fence shall not be considered opaque fencing or walls.

### **17.69.060 – Lot Dimensions**

The following lot dimension requirements shall apply in this zone district:

- A. Minimum lot area: one thousand seven hundred fifty (1,750) square feet
- B. Minimum lot width: thirty-five (35) feet
- C. Maximum lot area: three and one-half (3.5) acres

### **17.69.070 – Floor Area**

The following floor area requirements shall apply in this zone district:

- A. Residential:
  - i. Minimum: four hundred (400) square feet per dwelling unit
  - ii. Maximum: one thousand two hundred (1,200) square feet per dwelling unit
- B. Non-residential:
  - i. Minimum: one thousand (1,000) square feet per unit
  - ii. Maximum: twenty thousand (20,000) square feet per building

**17.69.080 – Setback Requirements**

The following setback requirements shall apply in this zone district:

Front	Minimum from local street: 0 feet Minimum from arterial or collector street: 10 feet Maximum for all street types: 20 feet
Rear	10 feet
Side	5 feet
Between structures and/or accessories	20 feet

**17.69.090 – Building Stories and Height**

Maximum building height shall be forty (40) feet, with up to three stories, excluding basements, with residential uses allowed on the second and third stories.

**17.69.100 – Density**

The maximum density in this zone district shall be up to 20 units per acre, whether consisting of single or mixed-use buildings.

**17.69.110 – Lot Coverage**

At least 10% of the total lot area shall be landscaped. All land use and building permit applications regarding property within the Mixed Use Commercial district shall be accompanied by a landscaping plan for approval by the Town Council.

The maximum impervious area of each lot within the district shall be 90% of the total lot area.